

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
BRENDA WALL,

Plaintiff,

-against-

DO & CO NEW YORK CATERING, INC.,

Defendant.  
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**PLAINTIFF'S FIRST POST-  
JUDGMENT SET OF  
INTERROGATORIES AND  
REQUEST FOR THE  
PRODUCTION OF  
DOCUMENTS**

Case No. 18-cv-03725  
(ADS)(AKT)

Plaintiff, BRENDA WALL ( "Plaintiff"), by and through her attorneys, Leeds Brown Law, P.C., requests, in accordance with Rules 33, 34 and 69(b) of the Federal Rules of Civil Procedure, that Defendant, DO & CO NEW YORK CATERING, INC. (the "Defendant" or "DO&CO"), by an officer or agent thereof, produce for inspection and copying at the offices of Leeds Brown Law, P.C., One Old Country Road, Carle Place, New York, the documents described herein within thirty days of receipt of this request.

**INSTRUCTIONS FOR ANSWERING**

1. In responding to these requests, you are required to obtain and furnish all information available to you and any of your representatives, employees, agents, brokers, servants, or attorneys, and to obtain and furnish all information that is in your possession or under your control, or in the possession or under the control of any of your representatives, employees, agents, servants, or attorneys.
2. Each request that seeks information relating in any way to communications to, from, or within a business and/or corporate entity and/or municipality, is hereby designated to demand, and should be construed to include, all communications by and between representatives, employees, agents, brokers, and/or servants of the business and/or corporate entity and/or municipality.
3. Each request should be responded to separately. However, a document which is responsive to more than one request may be produced and preferred to in a later response if the relevant portion is marked or indexed.
4. All documents produced shall be segregated and identified by the paragraphs to which they are primarily responsive. Where required by a particular paragraph of this request, documents produced shall be further segregated and identified as indicated in this paragraph. For any documents that are stored or maintained in files, in the normal course of business, such documents shall be produced in such files or in such a manner as to preserve and identify the file from which such documents were taken.

5. If you object to part of any request, please furnish documents responsive to the remainder of the request.
6. Each request refers to all documents that are either known by the Defendant to exist or that can be located or discovered by reasonably diligent efforts of the Defendant.
7. The documents produced in response to this request shall include all attachments and enclosures.
8. The documents requested for production include those in the possession, custody, or control of Defendant, its agents, representatives, or attorneys.
9. References to the singular include the plural.
10. The use of any tense of any verb shall be considered to include within its meaning all other tenses of the verb so used.
11. Please note that Defendant, pursuant to Fed. R. Civ. P. 26(2), are under a continuing duty to seasonally supplement the production with documents obtained subsequent to the preparation and filing of a response to each request.
12. All documents called for by this request or related to this request, for which the Defendant claims a privilege or statutory authority as a ground for non-production shall be listed chronologically as follows:
  - a. The place, date, and manner of recording or otherwise preparing the document;
  - b. The name and title of the sender;
  - c. The identity of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the documents;
  - d. The identity and job title, if any, or the person or persons supplying Defendant's attorneys with the information requested above;
  - e. The identity of each person to whom the contents of the document have heretofore been communicated by copy, exhibition, sketch, reading, or substantial summarization, the dates of said communications, and the employer and title of said person at the time of said communication;
  - f. The type of document;
  - g. The subject matter (without revealing the relevant information for which privilege or statutory authority is claimed) of the document; and
  - h. The factual and legal basis for claim, privilege or specific statutory or regulatory authority which provides the claimed ground for non-production.

13. All documents produced in response to this request shall be produced in toto notwithstanding the fact that portions thereof may contain information not requested.
14. If any documents requested herein have been lost or destroyed, the documents so lost or destroyed shall be identified by author, date, and subject matter.
15. Each request to produce a document or documents shall be deemed a request for the production of the original document or documents to the extent that they are in or subject to, either directly or indirectly, the control of the party to whom this request is addressed. In addition, each request should be considered as including a request for separate production of all copies and, to the extent applicable, preliminary drafts of documents that differ in any respect from the original or final draft or from each other (e.g., by reason of differences in form or content or by reason of handwritten notes or comments having been added to one copy of a document but on the original or other copies thereof).
16. Where exact information cannot be furnished, estimated information is to be supplied to the extent possible. Where estimated information is supplied, it should be so indicated, and an explanation should be given as to the basis on which the estimate was made and the reason exact information cannot be furnished.
17. With respect to any document requested which was once in possession, custody or control, but no longer is, please indicate the date the document ceased to be in possession, custody or control, the manner in which it is ceased, and the name and address of its present custodian.
18. Unless otherwise indicated, each request is to be construed as encompassing all documents which pertain to the stated subject matter.
19. Time Period: Unless otherwise indicated, each request is limited to the period of time has been employed by DO&CO to present.
20. Production can be accomplished by mailing the documents within the rule time to the Law Offices of Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York 11514.

### **DEFINITIONS**

1. “You”, “your”, and “yourself” refer to the party to whom the following requests are addressed, and its agents, representatives, officers, directors, affiliates, predecessors and successors in interests, parents, divisions, subsidiaries, are and regional offices and employees, including persons or entities outside of the United States.
2. “Person” means natural persons, firms, proprietorships, associations, partnerships, corporations, municipalities, and every other type of organization or entity.
3. “Identity” means when used in reference to:
  - a. A *document*, to state separately,

- i. Its description (e.g., letter, report, memorandum, etc.),
    - ii. Its date,
    - iii. Its subject matter,
    - iv. The identity of each author or signer;
  - b. An *oral* statement, communication, conference or conversation, to state separately:
    - i. Its date and place where it occurred,
    - ii. Its substance,
    - iii. The identity of each person participating in the communication or conversation, and
    - iv. The identity of all notes, memoranda or other documents memorializing, referring to or relating to the subject matter of the statement;
  - c. A *natural person or persons*, to state separately:
    - i. The full name of each such person,
    - ii. His or her present, or last known address and his or her present or last known residential address, and,
    - iii. The employer of the person at the time to which the interrogatory answer is directed and the person's title or position at that time;
  - d. An *organization* or *entity* other than a natural person (e.g., a company, corporation, firm, association, or partnership), to state separately:
    - i. The full name and type of organization or entity,
    - ii. The date and state of organization or incorporation,
    - iii. The address of each of its principal places of business, and,
    - iv. The nature of the business conducted.
4. "Communication" shall mean any transmission of information, the information transmitted, and any process by which information is transmitted, and shall include written communications and oral communications.
5. "Document" or "documents" includes without limitation any written, typed, printed, recorded, or graphic matter, however preserved, produced, or reproduced, of any type or description, regardless of origin or location, including without limitation any binder, cover note, certificate, letter, correspondence, record, table, chart, analysis, graph, schedule, report, test, study

memorandum, note, list, diary, log, calendar, telex, message (including, but not limited to, inter-office, and intra-office communications, text messages, e-mails, and other electronic stored information (“ESI”)), questionnaire, bill, purchase order, shipping order, contract, memorandum of contract, agreement, assignment, license, certificate, permit ledger, ledger entry, book of account, check, order, invoice, receipt statement, financial data, acknowledgement, computer or data processing disk, computer-generated matter, photograph, photographic negative, phonograph recording, transcript or log of any such recording, projection, videotape, film, microfiche, reports and/or summaries of investigations, drafts and revisions of drafts of any documents and original preliminary notes or sketches, no matter how produced or maintained in your actual or constructive possession, custody or control, or the existence of which you have knowledge, and whether prepared in several copies, or additional copies have been made, or copies are not identical (or which by reason of subsequent modification of a copy by the addition of notations or other modifications, are no longer identical), each non-identical copy as a separate document.

6. “Relating to” means consisting of, referring to, describing, discussing, constituting, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing, or factually connected to the matter discussed.
7. “Claim” means a demand or assertion, whether oral or written, formal or informal, by any person for monetary payment, the undertaking of action, or the cessation of action.
8. “Consulted” or “contracted” means any form of communication (e.g., oral statements, telephonic conversations or other mechanical communications or any type of communication).
9. “the Corporation” means DO & CO NEW YORK CATERING, INC., including subsidiaries, divisions, parent company, and holding company and the directors, officers, employees, agents, representatives and others known to you to have acted on their respective behalf.
10. “Defendant” or “defendants” means all persons or entities who have been sued in this action, including subsidiaries, divisions, parent company, and holding company and the directors, officers, employees, agents, representatives and others known to you to have acted on their respective behalf.
11. “Plaintiff” or “plaintiffs” means all persons or entities who have commenced the within action and remain in the caption thereof.
12. “Management” or “manage” includes any act of directing, conducting, administering, controlling, or handling an identified function or duty.
13. “During the relevant time period” shall mean a period of two years before and up to the date of occurrence alleged.
14. “Any” shall also mean “all” and vice versa.
15. “And” shall also mean “or”, and “or” shall mean “and” as necessary to call for the broadest possible answer.

### **INTERROGATORIES**

1. What is the full legal name of the person answering these interrogatories for the Corporation?  
Also please state:
  - a. your date and place of birth;
  - b. your Social Security number;
  - c. the license number and state of issuance of each driver's license in any of your names;
  - d. your complete residential address and telephone number; and
  - e. your complete business address and telephone number.
2. Other than the full name listed above, what names have you used in business or otherwise at any time in your life? Please include all nicknames and aliases. If appropriate, please include your name before your marriage and all married names.
3. Please state the full legal name of the Corporation and each other name by which it has ever been known.
4. Has the Corporation ever used a trade name or assumed name? If it has, for each name please state:
  - a. the name used; and
  - b. the date and place of filing of each assumed name certificate.
5. Please state the full name and complete address of each registered agent for service designated by the Corporation in any state.
6. On what date was the Corporation incorporated?
7. Please name each state in which the Corporation does business.
8. Please state the date of the most recent payment of New York franchise taxes and the amount of franchise taxes paid by the Corporation in each of the last two (2) years.
9. Please state the Corporation's present complete address (street address, city, county, state, and zip code) and each telephone number, including area code, of the Corporation at that address. Also, please state each post office box address used.
10. Please state the complete address (street address, city, county, state, and zip code) of each place in which the Corporation is doing business or has done business within the last two (2) years.
11. Please list each business telephone number, including area code, whether publicly listed or not, at which the Corporation's officers can be reached.

12. For each person who is a director of the Corporation or has been a director at any time in the last two (2) years, please state:
- the director's full name;
  - his or her complete present address;
  - the date of election as a director;
  - whether the person is now a director and, if not, when the directorship ended; and
  - the full name and complete address of each business in which the director owns an interest, with which the director is associated in any way, or by which the director is employed.
13. Regarding the initial meeting of the Corporation's board of directors, please state:
- the date of the meeting;
  - where the meeting was held; and
  - the full name of everyone present at the meeting.
14. Did the Corporation receive at least \$1,000 for issuance of its shares? If so, for each payment contributed to the \$1,000 please state:
- the full name and complete address of the person making the payment;
  - the form of payment; and
  - the date of payment.
15. Has any stock of the Corporation been sold? If so, for each person or entity that has bought stock please state:
- the full name and complete address of the buyer;
  - the number of shares purchased;
  - the amount paid for each share; and
  - the date of the purchase.
16. Has the Corporation published any announcement of the Corporation's formation? If so, for each notice please state:
- the date of publication;
  - the full name and complete address of the newspaper or other publication in which it was printed; and
  - the contents of the notice, copying it verbatim or attaching a copy of the notice as printed.
17. Have any corporate minutes been prepared? If so, for each set of minutes please state:
- the full name and complete address of the person who prepared the minutes;
  - the date the minutes were received; and
  - the date of the meeting on which they are based.

18. For each person who is an officer of the Corporation or has been an officer at any time in the last two (2) years, please state:
- the officer's full name;
  - his or her complete present address;
  - the title of the office held;
  - the date of selection as an officer; and
  - whether the person is now an officer and, if not, when his or her service as an officer ended.
19. What is the nature of each business in which the Corporation has engaged at any time in the last two (2) years?
20. For each person or entity now owning, claiming any interest, in, or having title to any stock, bond, or other security of the Corporation, please state:
- the full name of the person or entity;
  - the complete address of the person or entity;
  - a complete description of the security;
  - the number of shares involved;
  - the face value of each share;
  - the present market value of each share;
  - the payment or other consideration received by the Corporation for the security; and
  - the date the security was issued.
21. Please state the full name and complete address of each institution or business organization with which the Corporation has engaged in any joint venture or partnership at any time within the last two (2) years and the nature of the Corporation's involvement.
22. Has the Corporation furnished or exhibited a statement of its financial condition to any person or entity in the last two (2) years? If it has, for each occurrence please state:
- the full name and complete address of the person or entity receiving the information;
  - the date and place the information was received; and
  - the contents of the financial statement, copying it verbatim or, if you will do so without a court order, attaching a copy of the statement to your answers.
23. Please attach to your answers a copy of each of the Corporation's federal income tax returns and IRS Forms 940 and 941 for the last two (2) years. Please state:
- the source and amount of each item of income listed;
  - the total income received for each year, whether reported or not;
  - the date each return was filed, and the address of the Internal Revenue Service office where filed;



- d. the amount and source of each receipt of income that is not shown on any of the returns that you are attaching to your answers; and
  - e. the full name and complete address of each person who worked on or helped prepare each return.
24. Please attach to your answers a copy of each of the Corporation's reports or plans relating to pensions or profit sharing. If these papers amount to more than one hundred pages, you may comply by stating that they may be inspected or will be made available without a court order.
25. Please attach your answers a copy of each life insurance policy purchased in whole or in part by the Corporation. If these papers amount to more than one hundred pages, you may comply by stating that they may be inspected or will be made available without a court order.
26. Does the Corporation have an ownership interest in, option to purchase, contract to sell, leasehold in, or other interest in any real property? If so, for each property please state:
- a. the legal and common descriptions and the location of the property;
  - b. the size of the property;
  - c. a description of every structure or other improvement on the property;
  - d. the full name and complete address of each person or other entity having an interest in it;
  - e. the ownership of the property stated in the title documents and the location of each document;
  - f. the present value of the Corporation's equity interest in the property;
  - g. the present market value of the property; and the amount paid for the property.
27. For each item of personal property, including but not limited to tools, equipment, inventory, livestock, boats, sporting goods, vehicles, aircraft, or stamp, coin, other kinds of collections, regardless of location, that the Corporation now owns, claims any interest in, or has title to, please state:
- a. a complete description of the item, including as applicable the year, make, model, serial number, and other permanent identification numbers;
  - b. the estimated present market value of the item; and
  - c. the complete address of its present location.
28. Is any real or personal property that the Corporation now owns, claims any interest in, or has title to now encumbered by a mortgage, security interest, or other kind of lien? If so, for each item of encumbered property please state:
- a. a complete description of the item, including as applicable the year, make, model, serial number, and other permanent identification numbers;
  - b. the nature of the encumbrance;
  - c. the date the property was encumbered;
  - d. the full name and complete address of each person or entity holding the encumbrance;
  - e. the payment or other consideration received for the encumbrance; and

- f. the full name and complete address of each person or entity who paid the consideration.
29. Does the Corporation now own, claim any interest in, or have title to any personal property now pledged as security for a debt? If so, for each item please state:
- a. complete description of the item, including as applicable the year, make, model, serial number, and other permanent identification numbers;
  - b. the amount of the debt the property was pledged to secure and the current amount of the debt;
  - c. how the debt was incurred and when payment is due;
  - d. the date the debt was incurred;
  - e. the full name and complete address of the person or entity to whom the property is pledged; and
  - f. the date when possession of it was transferred to the person or entity to whom it is pledged.
30. Please attach a copy of any instrument that secures a debt of the Corporation or copy the instrument verbatim. If these copies amount to more than one hundred pages, you may comply by stating that they may be inspected or will be made available without a court order.
31. Does the Corporation have any ownership interest in any other business? If so, for each business please state:
- a. the full name of the business;
  - b. the complete address of the principal place of business or general office of the business;
  - c. the complete address of each place at which it conducts business;
  - d. the type of business it conducts;
  - e. the form of business organization (for example, corporation, partnership);
  - f. the date the Corporation acquired its interest in the business;
  - g. the present value of the Corporation's interest in the business and its percentage of the total value of the business;
  - h. the Corporation's duties in the business;
  - i. the full name and complete address of each partner, officer, and director of the business; and
  - j. the full name and complete address of each bank at which the business maintains any type of checking or deposit account or from which the business has borrowed money.
32. Has any enterprise mentioned in the preceding answers filed any articles incorporation, partnership agreement, or assumed name certificate? If so, for each document please state:
- a. the nature of the document;
  - b. the complete address of the office where it was filed;
  - c. the date it was filed; and
  - d. the assumed name used, if applicable.

33. Does the Corporation own any security (including but not limited to stocks and bonds) of any foreign or domestic entity or government? If so, for each such organization please state:
- a. the full name and complete address of the organization;
  - b. a complete description of the security, its face value, the price the corporation paid for it, and its present market value;
  - c. the serial number of each security;
  - d. the date when each security was acquired by the Corporation;
  - e. how each security was acquired by the Corporation (purchase, gift, etc.);
  - f. full name and complete address of each person or entity from whom the security was acquired, regardless of the means of acquisition;
  - g. the full name, complete address, and telephone number of each person or entity with whom the Corporation shares ownership or control of the security; and
  - h. whether the Corporation now owes any money to a person or entity for the purchase of the security.
34. Is any stock, bond, or other security that the Corporation owns pledged, mortgaged, or subject to an option to repurchase by any person or entity? If so, for each such interest held by another please state:
- a. the full name and complete address of the person or entity having the interest in the Corporation's securities;
  - b. the date the interest was acquired; and
  - c. a complete description of the interest
35. In any stock, bond or other security that the Corporation owns held by a broker in the name of the Corporation or of any person or other entity? If so, for each security please state:
- a. the full name and complete address of the broker;
  - b. a complete description of the security;
  - c. the present market value of the security;
  - d. the date the broker acquired possession of the security; and
  - e. the balance of the Corporation's account with the broker five (5) calendar days before these interrogatories were received by the Corporation.
36. Does the Corporation maintain any bank account, including but not limited to checking accounts and savings accounts? If it does, for each account please state:
- a. the full name and complete address of the institution holding the account;
  - b. where the account is located;
  - c. the full name and number under which it is carried;
  - d. the balance of the account five (5) calendar days before these interrogatories were received by the Corporation;
  - e. the identity of each authorized signature for the account at any time in the last two (2) years and the dates between which the signature was authorized; and

- f. the contents of the Corporation's resolution establishing the account, copying the resolution verbatim or attaching a copy of it to your answers.
- 37. For each disbursement of the Corporation in the last two (2) years that exceeded \$1,000, please state:
  - a. the full name and complete address of the payee;
  - b. the amount of the payment; and
  - c. the date it was paid
- 38. Does the Corporation have any money on deposit in a name other than its own? If it does, for each account please state:
  - a. the type of account;
  - b. where the account is maintained;
  - c. the full name and number under which the account is maintained;
  - d. the full name and complete address of the institution holding the deposits;
  - e. the balance of the account two (2) calendar days before these interrogatories were received by the Corporation; and
  - f. the amount or portion of the account that belongs to the Corporation.
- 39. Does the Corporation have check-writing authority on any account not already described in your answers? If it does, for each account please state:
  - a. where the account is maintained;
  - b. the full name and number under which the account is maintained;
  - c. the full name and complete address of the institution holding the account;
  - d. the full name and complete address of each person or entity owning or claiming an interest in it; and
  - e. the reason for the Corporation's authority to write checks on the account.
- 40. Does the Corporation maintain a pension plan, profit-sharing plan, or other entity or trust in which the Corporation or any employee, officer, or shareholder of it has an interest? If so, for each plan please state:
  - a. where it is located;
  - b. the full name and complete address of the institution holding the account;
  - c. the full name and number under which the account is maintained; and
  - d. the balance of the account five (5) calendar days before these interrogatories were received by the Corporation.
- 41. Does the Corporation hold any real or personal property in trust for any person or entity? If it does, for each trust please state:
  - a. a complete description of the property held in trust;
  - b. the complete address of the property's location;
  - c. the date the trust was created;

- d. the source of the trust assets; and
  - e. the full name and complete address of each beneficiary who has an interest in the trust.
42. In the last two (2) years, has the Corporation created or contributed to any trust for the benefit of others? If so, for each trust please state:
- a. the date the trust was created;
  - b. a complete description of the property contributed to the trust by the Corporation and the property's present market value;
  - c. each trustee's full name and complete address;
  - d. each beneficiary's full name and complete address; and
  - e. whether any of the beneficiaries are related to each other and, if they are, the full names of the related beneficiaries and the nature of their relationship.
43. Does any person or entity hold any real or personal property in trust for the Corporation? If so, for each trust please state:
- a. a complete description of the property held in trust;
  - b. the complete address of the property's location;
  - c. the date the trust was created;
  - d. the source of the trust assets; and
  - e. the full name and complete address of each beneficiary of the trust.
44. Is the Corporation a beneficiary under the terms of any will? If so, for each will please state:
- a. the full name of the testator;
  - b. a complete description of the property given to the Corporation under the will;
  - c. the name, number, and location of the court administering the estate;
  - d. If the will has not been offered for probate, the full name and complete address of the person who now has possession of the will;
  - e. whether the Corporation has received any advancement from the testator or personal representative and, if so, the amount of each advancement received; and
  - f. whether the Corporation has renounced any bequest or legacy and, if so, the date of each renunciation and the full name and complete address of each person or entity whose interest in the estate was enhanced as a result of the renunciation.
45. Does the Corporation have the right to enter any depository, including but not limited to safes, vaults, and safe-deposit boxes, for securities, cash, or other valuables? If so, for each depository please state:
- a. the full name and complete address of each person or entity to whom the depository is rented;
  - b. the full name and complete address of the bank or other institution in which the depository is located;
  - c. the full name and complete address of each person having access to the depository;
  - d. a complete description of the property contained in the depository on the date you are answering these interrogatories;

- e. the complete contents of each inventory, copying the inventories verbatim or, if you will do so without a court order, attaching copies of them to your answers; and
  - f. the date on which any person last opened the depository on behalf of the Corporation.
46. Has anything been removed from any above-mentioned depository during the last twelve (12) months? If it has, for each thing removed please state:
- a. A complete description of the property removed;
  - b. The date it was removed;
  - c. Why it was removed;
  - d. The full name and complete address of each person who removed it; and
  - e. The full name and complete address of each person or entity now having the property in its possession.
47. Has the Corporation won any interest in a patent or copyright? If so, for each interest please state:
- a. A complete description of the patent or copyright;
  - b. Its registration number;
  - c. The full name and complete address of each person sharing an interest in the patent or copyright;
  - d. The extent of the Corporation's share, expressed as fraction or percentage; and
  - e. The annual income derived by the Corporation from the patent or copyright.
48. At any time in the last two (2) years, has the Corporation paid a premium on any life insurance policy? If it has, for each policy please state:
- a. The full name, complete address, and telephone number of the issuing company;
  - b. The number of the policy;
  - c. The face value of the policy on the death of the insured;
  - d. The present cash value of the policy;
  - e. The date the policy was issued;
  - f. The name of the insured;
  - g. Each date on which a payment was made;
  - h. The amount of each payment;
  - i. The complete address of the present location of each document or contract of insurance issued to the Corporation in connection with or as evidence of the policy;
  - j. The full name of the owner of the policy;
  - k. The full name, complete address, and telephone number of each person having custody of a copy of the document or contract; and
  - l. The complete contents of the policy, copying it verbatim or, if you will do so without a court order, attaching a copy of the policy to your answers. If these policies amount to more than one hundred pages for all of them, you may comply by stating that they may be inspected or will be made available without a court order.

49. Has any beneficiary designation of any above-described insurance policy been changed in the last two (2) years? If so, for each change please state:
- The date on which the beneficiary designation was changed;
  - The name of the new beneficiary;
  - The name of the old beneficiary; and
  - Why the change was made.
50. Does the Corporation now have any right to payment of money from any person or entity for any reason, including but not limited to promissory notes, accounts receivables, certificates of deposit, securities, foreign currency, traveler's checks, treasury checks, treasury bills, and savings bonds? If so, for each claim please state:
- A complete description of the claim;
  - The full name and complete address of the debtor;
  - The amount of the claim; and
  - Whether any suit or action has been brought to reduce the claim to judgment; if so, please state:
    - The title number of the case;
    - The name, number, and location of the court in which it was filed or is now pending; and
    - The present status of the case.
51. In the last two (2) years, has any above-described right of the Corporation to receive money been assigned or disposed of other than by collection in full? If so, for each such account please state:
- The full name of the account;
  - The kind of disposition;
  - The date of the disposition;
  - The full name and complete address of the person or entity taking the account;
  - The amount of reserve due the Corporation;
  - The extent to which future accounts receivable were covered; and
  - The amount of payment received in exchange.
52. Has the Corporation sold or assigned any account receivable and set up any reserve fund for its benefit out of that account receivable? If so, for each account please state:
- The full name of the account;
  - The conditions for receiving reserves;
  - The full name and complete address of each person or entity holding the funds; and
  - The amount of the funds.
53. At any time in the last two (2) years, has the Corporation disposed of any real or personal property by sale, gift or other action? If so, for each disposition please state:

- a. A full description of the property disposed of;
- b. The date of the disposition;
- c. The full name and complete address of each person or entity to whom disposition was made;
- d. The payment or other consideration received in exchange;
- e. The manner of disposition (gift, sale, etc.);
- f. The date the Corporation acquired the property;
- g. The estimated market value of the property when the Corporation acquired it; and the complete address of the property's present location.

54. At any time in the last two (2) years, has the Corporation made any disposition, by conveyance, transfer, gift, or otherwise, of property with any reservation of rights, benefits, or options for the reacquisition of the property at some future date? If so, for each disposition please state:

- a. A full description of the property involved;
- b. The date of the disposition;
- c. The transferee's full name and complete address;
- d. The nature of the reservation, benefit, or option;
- e. The cost of the property when the Corporation acquired it; and
- f. the market value of the property at the time of disposition or the payment other consideration received in exchange.

55. Has the Corporation in the last two (2) years assigned any thing or right to collect money? If it has, for each assignment please state:

- a. A description of the thing or right assigned;
- b. The date the assignment was made;
- c. The full name and complete address of the assignee; and
- d. The payment or other consideration received in exchange.

56. At any time in the last two (2) years, has the Corporation transferred, conveyed, or assigned any property or any rights in any property under any condition or made any loan or pledged any property to any officer, director, or shareholder, or to any relative, spouse, spouse's relative, friend, or acquaintance of such a person? If so, for each transaction please state:

- a. A complete description of the transaction;
- b. The date of the transaction;
- c. The full name and complete address of each person involved in the transaction; and
- d. The payment or other consideration received or paid by the Corporation in exchange.

57. Has the Corporation at any time sold, transferred, or assigned all or a substantial part of its stock in trade or any trade fixtures in bulk? If it has, for each transaction please state:

- a. The date the transaction occurred;
- b. A complete description of the property disposed of;
- c. The full name and complete address of each transferee or assignee;



- d. The payment or other consideration received as the sales price;
  - e. Whether any notice of the transaction was given and, if so, when and where the notice was recorded; and
  - f. Whether any notice of the transaction was published in a newspaper and, if so, the name and location of the newspaper and the date of publication.
58. At any time in the last two (2) years, has the Corporation given consideration for any property that has been conveyed or transferred and is now being held for the Corporation in the name of some person or other entity? If so, for each occurrence please state:
- a. The full name and complete address of each title holder;
  - b. The date the conveyance or transfer was made;
  - c. A complete description of each item of property involved; and
  - d. The amount of payment or consideration given for the property.
59. In the last two (2) years, has the Corporation suffered any casualty loss from fire, wind, theft, or other cause? If it has, for each loss please state:
- a. A description of the property lost or damaged;
  - b. The date of the loss;
  - c. The cause, nature, and amount of the loss;
  - d. Whether the loss was covered by insurance and, if it was, the name of the insurance carrier, the policy number, the policy limits, and whether a claim was filed; and
  - e. If a claim was filed, the amount of the claim, the full name and address of the agent who processed it, and how much of the claim was paid.
60. At any time in the last two (2) years, has the Corporation been a party to any contract or other agreement by which the Corporation granted an option to any person or other entity to purchase any or all of its assets? If so, for each agreement please state:
- a. The date of the agreement;
  - b. Where the agreement was made;
  - c. The full name and complete address of each person or entity that was a party to the agreement;
  - d. The payment or other consideration the Corporation received in exchange for the agreement;
  - e. The full name and complete address of each person or entity furnishing the consideration;
  - f. A complete description of the property covered by the agreement; and
  - g. The terms of the agreement, copying it verbatim or, if you will do so without a court order, attaching a copy of the agreement to your answers.
61. At any time in the last two (2) years, has the Corporation made any payment in extension or compromise of a debt? If it has, for each payment please state:
- a. The date of payment;

- b. The debt's original amount and its current amount;
- c. The full name and complete address of the owner of the debt; and
- d. The basis for the debt.

62. Is any of the Corporation's property rented, leased, or otherwise in another party's possession? If so, for each such piece of property please state:

- a. A description of the property;
- b. The full name and complete address of the person or entity having possession of the property;
- c. The basis for the third party's possession (lease, rental, etc.); and
- d. The payment or other consideration the Corporation received in exchange for the arrangement.

63. Does the Corporation presently owe more than \$500 to any creditor? If it does, for each such debt please state:

- a. The creditor's full name and complete address;
- b. The amount of the debt owed by the Corporation;
- c. The date the debt was incurred;
- d. The payment or other consideration the Corporation received in exchange for the debt; and
- e. A description of the security given by the Corporation to secure the debt.

64. Has the Corporation made any payment exceeding \$500 to any creditor within the last four months? If it has, for each payment please state:

- a. The date and amount of the payment; and
- b. The full name and complete address of the recipient.

65. Is any state or federal tax lien filed or outstanding against the Corporation? If so, for each lien please state:

- a. The amount of the lien;
- b. Whether the tax has been paid;
- c. The name of the governmental agency that filed the lien; and
- d. The date it was filed.

66. Has the Corporation received any notice of a tax deficiency? If it has, for each deficiency please state:

- a. The full amount of the alleged deficiency;
- b. The full name and complete address of the governmental agency claiming the deficiency; and
- c. The date of notice.

67. At any time in the last two (2) years, has the Corporation made any payment as an extension or compromise of a tax claim? If it has, for each claim please state:
- The date and amount of each payment; and
  - The full name and complete address of the governmental agency claiming the deficiency.
68. Is there any judgment against the Corporation that is unpaid? If there is, for each unpaid judgment please state:
- The date of the judgment;
  - Its amount and how much remains unpaid;
  - The name of the party having the judgment against the Corporation;
  - The name of the present holder of the judgment if different from the plaintiff;
  - The name, number, and location of the court in which the judgment was obtained; and
  - The cause number of the judgment.
69. Does the Corporation have any abstract of judgment filed against it? If so, for each judgment please state:
- The date of the judgment;
  - Its amount and how much remains unpaid; and
  - The name of each county and the volume and page number of the record book where the abstract is recorded in each county.
70. Does the Corporation claim that any real or personal property, tangible or intangible, is protected from the claims of creditors? If it does, for each piece of property so claimed, please state:
- The legal and common descriptions of the property;
  - The estimated value of the property;
  - The reason for claiming that it is exempt; and
  - The complete address of the property's location.
71. Does the Corporation have any financing statement or UCC statement filed against it? If it does, for each statement please state:
- The date and place of filing;
  - The full name and complete address of the party filing the statement;
  - The amount of the debt to which it pertains;
  - A complete description of the collateral securing the debt, as shown on the security agreement;
  - The date of maturity of the debt; and
  - The complete contents of the statement, copying it verbatim or, if you will do so without a court order, attaching a copy of the statement to your answers.

72. Does any person or entity now keep records (including but not limited to checkbooks, books, ledgers, memoranda, other written documents, tape recordings, and computer records) of receipts, disbursements, and other business transactions of the Corporation, or have they been kept at any time in the last two (2) years? If so, please attach copies of the records for the last two (2) years if you will do so without a court order, if the records amount to more than one hundred pages for all of them, you may comply by stating that they may be inspected or will be made available without a court order. Further, please state:
- The form in which the records are or were kept;
  - The accounting basis (cash or accrual) used;
  - The date they were first maintained;
  - The full name and complete address of each person or entity that prepared them;
  - The full name and complete address of each person or entity now having custody of them;
  - The complete address of each location of any such records relating to the last two (2) years; and
  - Whether the records accurately reflect the income reported in the Corporation's federal income tax returns for each year during which the records were kept.
73. Has any record of the Corporation's income, disbursements, or business affairs been stolen or disposed of in the last two (2) years? If so, for each disposition please state:
- The nature of the disposition, such as theft or intentional destruction;
  - The date of the disposition;
  - The reason for the disposition;
  - The full name and complete address of the person making the disposition; and
  - If theft occurred, whether it was reported to the police.
74. At any time in the last two (2) years, has the Corporation employed or used the services of an accountant, bookkeeper, or certified public accountant? If so, for each such person please state:
- The full name and complete address of the person;
  - The dates during which the services were employed;
  - A description of the services the person performed; and
  - The contents of resulting reports, copying them verbatim or, if you will do so without a court order, attaching copies of the reports to your answers. If the reports amount to more than one hundred pages for all of them, you may comply by stating that they may be inspected or will be made available without a court order.
75. At any time in the last two (2) years, has anyone taken an inventory of the Corporation's property? If so, for each inventory please state:
- The date of the inventory;
  - The full name and complete address of each person who made the inventory or supervised it;

- c. The full name and complete address of each person or entity having a copy of the inventory;
  - d. The total dollar value of the property as stated in the inventory;
  - e. The means used to evaluate the inventory;
  - f. The reason for making the inventory; and
  - g. A complete description of each item of property included in the inventory, copying it verbatim or, if you will do so without a court order, attaching a copy of the inventory to your answers. If the copies amount to more than one hundred pages, you may comply by stating that they may be inspected or will be made available without a court order.
76. In the last two (2) years, has the Corporation furnished a financial statement to any person or entity? If it has, for each financial statement please state:
- a. Why it was prepared;
  - b. The full name and complete address of each person or entity to whom it was furnished;
  - c. The date it was furnished;
  - d. The full name and complete address of the person or entity now owning each asset shown on the statement; and
  - e. The contents of the statement, copying it verbatim or, if you will do so without a court order, attaching a copy of the statement to your answers.
77. Does the Corporation or any employee, officer, director, or shareholder of the Corporation have any interest in any pension plan, retirement fund, annuity fund, or profit-sharing plan? If so, for each plan please state:
- a. The full name and complete address of the plan's administrator;
  - b. The present value of the Corporation's interest in the plan;
  - c. The present value of the interest belonging to any person in any of the above-described categories; and
  - d. A description of the terms under which the Corporation or any person in any of the above-described categories can receive money or property under the plan.
78. Has any money, real property, or other personal property heretofore belonging wholly or partly to the Corporation been transferred to, or is it in the possession of, any present or former shareholder, employee, agent, officer, or director of the Corporation or any relative by blood or marriage, friend, or acquaintance of any of them? If so, for each transaction please state:
- a. A complete description of the transaction;
  - b. A complete description of the property involved;
  - c. The full name and complete address of each person involved; and
  - d. The payment or other consideration the Corporation received in exchange.
79. Is the Corporation presently entitled to receive any money from a governmental office, such as utility deposit, income tax refund, or security deposit, income tax refund, or security deposit? If so, for each payment please state:

- a. The full name and complete address of the office owing the money;
  - b. The reason the Corporation is owed the money;
  - c. The amount owed; and
  - d. The date it will be paid.
80. Has the Corporation ever filed a petition in bankruptcy, entered into an assignment for the benefit of creditors, or been a party to a composition arrangement? If so, for each occurrence please state:
- a. The nature of the proceeding or arrangement;
  - b. The date the proceeding began or the arrangement was made;
  - c. The name, number, and location of any court that was involved; and
  - d. The disposition or present status of the proceeding or arrangement.
81. Has any person or entity ever filed an insolvency proceeding against the Corporation, including a state receivership action or a federal bankruptcy proceeding? If so, for each proceeding please state:
- a. The full name and complete address of the person or entity that filed it;
  - b. The date it was filed;
  - c. The name, number, and location of the court in which it was filed;
  - d. The grounds alleged; and
  - e. The disposition of the proceeding or its present status.
82. In the last two (2) years, has any person or entity paid or transferred to the Corporation assets in any form, including money, worth more than \$1,000? If so, for each transfer please state:
- a. The full name and complete address of the person or entity making the transfer;
  - b. The date of the transfer;
  - c. A complete description of the assets transferred; and
  - d. The value of each asset transferred.
83. For each expense of the Corporation that recurs on a monthly or other regular basis and exceeds \$5,000, please state:
- a. A complete description of the debt or expense;
  - b. The amount of each payment and either that this amount is the same for each payment or that this amount is an average for the past year;
  - c. The full name and complete address of the recipient of the payments;
  - d. Whether each debt is paid;
  - e. The manner of payment (cash payment, transfer of inventory, etc.); and
  - f. If the debt is paid in cash, the full name and complete address of the source from which the cash is obtained.
84. For each bank or other financial or lending institution with which the Corporation has transacted any type of business or maintained any account in the last two (2) years, please state:

- a. The full name and complete address of the institution;
- b. The account or transaction number involved; and
- c. A complete description of the transaction.

85. Please state all reasons why Defendant has not paid its debt to Plaintiff.
86. How much money would the Corporation be able and willing to pay to Plaintiff in the next thirty days to enter a payment plan in this matter?
87. If the Corporation cannot start making monthly payments within the next thirty days, please state why not.
88. Why is the Corporation unable or unwilling to pay more than the amounts listed in the answers to question 86?

#### **DOCUMENT REQUESTS**

1. Tax Returns: Copies of federal income tax returns and IRS Forms 940 and 941 for the Corporation AND for any entity in which the Corporation owns any legal or equitable interest for the years 2017 through the latest return you have filed, including all schedules and exhibits. Include all United States gift tax returns filed by you since 2017 to the present.
2. Financial Statements: All financial statements prepared by the Corporation for itself AND for any entity in which the Corporation owns any legal or equitable interest for the past two (2) years. Copies of all statements regarding the Corporation's financial condition furnished or exhibited to any person or entity by the Corporation in the last two (2) years.
3. Bank Accounts – Statements: Copies of any and all bank statements for accounts in the Corporation's name AND in the name of any entity in which the Corporation owns a legal or equitable interest from 2015 to the present.
4. Bank Accounts – Checks: Front and back copies of any checks, drafts, or money orders issued by the Corporation AND by any entity in which the Corporation owns a legal or equitable interest from 2015 to the present.
5. Real Property Owned: Each document which provides a description and/or value for each interest in real property owned by the Corporation (including but not limited to deeds, notes, deeds of trust, insurance policies, closing statements, ad valorem tax statements, and appraisals) from 2015 to the present, regardless of whether or not such property is still titled in the Corporation's name as of this date.
6. Real Property Owned by Entities in Which You Have an Interest: Each document which provides a description and/or value for each interest in real property owned by entities in which the Corporation has a legal or equitable interest (including but not limited to deeds, notes,

deeds of trust, insurance policies, closing statements, ad valorem tax statements, and appraisals) from 2015 to the present, regardless of whether or not such property is still titled in the Corporation's name as of this date.

7. Oil and Gas Leases: All oil and gas leases and division orders in which the Corporation has an interest, either as lessor, lessee, trustee, or beneficiary.
8. Partnership Interests: All joint venture agreements, general partnership agreements, limited partnership agreements, certificates of limited partnership, and other documentary evidence of any form of partnership agreement(s) entered into by or with the Corporation.
9. Transfers of Real Property by You: Copies of all documents pertaining to the sale or transfer of any of the Corporation's real property to third parties since 2015, such documents to include without limitation contracts, agreements, deeds, promissory notes, deeds of trust, modifications, extensions, work orders, invoices, receipts, checks and other documents.
10. Transfers of Real Property by Entities in Which You Have an Interest: Copies of all documents pertaining to the sale or transfer of any of real property by any entity in which the Corporation has a legal or equitable interest to third parties since 2015, such documents to include without limitation contracts, agreements, deeds, promissory notes, deeds of trust, modifications, extensions, work orders, invoices, receipts, checks and other documents.
11. Leases and Executory Contracts: Produce any leases, residential or commercial, and executory contracts in which the Corporation has an interest.
12. Litigation: Produce all documents which refer or relate to other lawsuits in which the Corporation is or is presently involved or have been involved in within the last two (2) years, including any unsatisfied judgments in which the Corporation is the judgment creditor; any other unsatisfied judgments against the Corporation or for which the Corporation is liable; and any filing in bankruptcy by the Corporation.
13. Non-Realty Owned: Each document which provides or reflects a title, description, and/or value for each interest in non-real property owned by the Corporation (including but not limited to title certificates, registrations, insurance policies, receipts, and appraisals) from 2015 to the present, regardless of whether or not such property is still titled in the Corporation's name as of this date. This shall include all documents which provide a description of the following items owned by the Corporation in the past two (2) years, including the present value of the item and the amount of the indebtedness outstanding against the item:
  - a. stocks, bonds, or other securities, including the name and address of the corporation in which the equity or shares are owned, and dividends paid or payable to the Corporation within the last two (2) years;
  - b. mortgages or liens on real or personal property;
  - c. promissory notes, drafts, bills of exchange, or other commercial paper;
  - d. judgments;
  - e. savings bonds or other government-issued bonds or treasury bills;



- f. any interests in oil, gas, or mineral leases;
  - g. certificates of deposit, letters of credit, money orders, cashier's checks, travelers' checks bank deposits, escrow funds, safety deposit boxes, savings accounts, or accounts at any financial institution or organization;
  - h. keogh plans, individual retirement accounts, deferred compensation plans, prepaid funeral plans, retirement benefits, or other retirement plans;
  - i. a copy of each of the Corporation's reports or plans relating to pensions or profit sharing.
  - j. leases, life estates, remainder interests, or other interests in real property; and
  - k. patents, copyrights, trademarks, franchises, and other licenses.
14. Transfers of Non-Realty: Copies of all documents pertaining to the sale or transfer of any of the Corporation's non-real property to third parties since 2015, such documents to include without limitation assignments, transfer documents, bills of sale, and the like.
  15. Transfers of Non-Realty by Entities in Which You Have an Interest: Copies of all documents pertaining to the sale or transfer of any of any non-real property by any entity in which the Corporation owns a legal or equitable interest to third parties since 2015, such documents to include without limitation assignments, transfer documents, bills of sale, and the like.
  16. Communications Relating to Transfers: Copies of all communications, correspondence, email, or memoranda sent, received, or exchanged by the Corporation pertaining to the transfer by (a) the Corporation of any real or personal property to third parties within the last calendar year; and (b) any entity in which the Corporation owns a legal or equitable interest to third parties within the last calendar year.
  17. Accounts Receivable: Any promissory note, judgment, or statement of account(s) receivable evidencing any debts owed to the Corporation AND for any debts owed to any entity in which the Corporation have a legal or equitable interest. Please furnish copies of any other instrument that secures a debt of the Corporation. If these copies amount to more than one hundred pages, you may comply by stating that they may be inspected or will be made available without a court order.
  18. Ownership interests in business entities: Please furnish documentary evidence of the Corporation's ownership interest all business entities in which the Corporation has a legal or equitable interest, including but not limited to any limited liability company, corporation, trust, general partnership, limited partnership, or other entity, including any "dba," in which the Corporation owns or claims, or has owned or claimed, any interest from 2015 to the present.
  19. Ownership interests in non-business entities: Please furnish documentary evidence of the Corporation's ownership in all non-business entities (e.g., living trusts, testamentary trusts, non-profit organizations, and the like) in which the Corporation has a legal or equitable interest.
  20. Trustorships and Trusteeships: Please furnish documentary evidence of the Corporation's role in any entity in which the Corporation serves as trustor and/or trustee, including but not limited

to (1) the trust agreement for such entity; (2) copies of the deeds to any real property held by the trust; and (3) any inventory or written record of any non-real property held by the trust.

21. Professional licenses: As to all professional licenses the Corporation possess, furnish: (a) copy of license;  
(b) copies of any reprimands, suspensions, revocations, or any other similar action that may have been taken against the Corporation; and  
(c) an explanation of the outcome of any such action.
22. Litigation: Copies of all case numbers, pleadings, motions, orders, exhibits, and judgments that may exist in: (a) current cases in litigation in which the Corporation is a party; (b) past litigated cases in which the Corporation was a party for the past two (2) years, including copies of all judgments that may have been rendered against the Corporation within the last two (2) years.
23. DBA Certificate(s): Please furnish a copy of any DBA (ie., “doing business as”) certificates that are or have been registered to the Corporation’s name or the name of any entity in which the Corporation has a legal or equitable interest.
24. Company and Corporate Documents: Please furnish all certificates of formation, articles of incorporation or organization, partnership agreements (general or limited), or joint venture agreements that form the basis of any entity in which the Corporation now claims or has claimed any legal or equitable interest from 2015 to the present date.
25. Documents Relating to DO & CO NEW YORK CATERING, INC.: As to this entity, please furnish the following from 2015 to the present:
  - a. the certificate of formation or certificate of incorporation;
  - b. minutes of organizational meeting of members or shareholders;
  - c. minutes of meetings of the board of directors, if any;
  - d. the annual minutes of meetings;
  - e. all company or corporate resolutions;
  - f. copies of share certificates or member certificates; and
  - g. IRS tax returns.
26. Documents Pertaining to Foreign Entities: If you are a foreign entity doing business in New York, furnish any registration from the New York Secretary of State’s office that you are registered to do business in New York.
27. Records Pertaining to Real Estate Owned: Please furnish all records pertaining to all real estate (including oil, gas, and other minerals) in which the Corporation rents, owns or claims, or has rented, owned or claimed, any interest since 2015, including but not limited to any and all deeds, mortgages, deeds of trust, liens, leases, promissory notes, surveys, and settlement statements of purchasers or sellers, together with any evidence showing monthly payments and present outstanding balance of principal and interest.

28. Loan Application Documents: Please furnish copies of any and all loan applications, personal financial statements, profit and loss statements, cash flow projections, business models, and/or records containing financial information of any nature that have been prepared by the Corporation or any other person for the Corporation or for any other entity in which the Corporation's ownership percentage exceeds 25% and that have then been submitted to banks or other lenders in order to seek financing for from 2015 to the present. Please also furnish any financing statement or UCC statement filed against the Corporation.
29. Professional Contracts and Agreements: Please furnish any contract of employment with any attorney, private investigator, accountant, appraiser, testifying expert or consulting expert, or any other person engaged by the Corporation or the Corporation's attorneys in connection with this suit, including every document or tangible thing constituting or containing evidence or information relating to all payments made to any such persons or entity and all statements or invoices received from any such person or entity.
30. Formation Documents: Please furnish all formation documents, including without limitation, certificates of formation, articles of incorporation or organization, partnership agreements, or joint venture agreements that form the basis of any entity in which the Corporation now claims or has claimed any legal or equitable interest from 2015 to the present date.
31. Insurance Policies: Please furnish copies of each life insurance policy purchased in whole or in part by the Corporation. If these papers amount to more than one hundred pages, you may comply by stating that they may be inspected or will be made available without a court order.
32. Inventories: Please furnish copies of all inventories taken of the Corporation's property in the past two (2) years. If the copies amount to more than one hundred pages, you may comply by stating that they may be inspected or will be made available without a court order.
33. Transfer of Options: Please furnish copies of any contracts or other agreements by which the Corporation granted an option to any person or other entity to purchase any or all of its assets in the last two (2) years
34. Records of Transactions: Please furnish any and all records (including but not limited to checkbooks, books, ledgers, memoranda, other written documents, tape recordings, and computer records) of receipts, disbursements, and other business transactions of the Corporation kept within the past two (2) years.
35. Reports by Accountants: Please furnish any reports by any accountant, bookkeeper, or certified public accountant, generated for or on behalf of the Corporation in the past two (2) years. If the reports amount to more than one hundred pages for all of them, you may comply by stating that they may be inspected or will be made available without a court order.

Dated: May 6, 2020  
Carle Place, New York

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/s  
RICK OSTROVE